

Julie Masters, Mayor
Charles Suderman
Bruce Henderson
Walter Wilson

MINUTES
City of Dickinson
CITY COUNCIL
REGULAR MEETING

Wally Deats, Mayor Pro Tem
Louis Decker
William H. King III
Julie M. Robinson, City
Administrator

May 24, 2016

NOTICE is hereby given of a **REGULAR MEETING** of the City Council for the City of Dickinson, County of Galveston, State of Texas, to be held on **TUESDAY, May 24, 2016**, at **7:00 p.m.** at: 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items. The City Council of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM:

Invocation and Pledge of Allegiance.

Mayor Masters called the meeting to order at 7:04 p.m. City Secretary Alun Thomas called roll and certified a quorum. Council Members present were as follows: Mayor Julie Masters, Mayor Pro-Tem Wally Deats, and Council Members Bruce Henderson, Louis Decker, Walter Wilson, and William H. King, III. Council Member Charles Suderman was absent. Also present were City Administrator Julie Robinson, City Attorney David Olson, Administrative Services Manager Stephanie Russell, and Director of Community Development Zach Meadows.

ITEM 2.) SWEARING-IN OF NEWLY ELECTED OFFICIALS

Galveston County 10th Judicial District Court Judge Kerry Neves administered the Oath of Office to Council Members Bruce Henderson, Wally Deats, and William H. King III.

ITEM 3.) PROCLAMATIONS AND COUNCIL COMMENTS:

- Welcome and thanks to all for coming.
- Mayor Masters received a message of thanks for the drainage work performed in Bayou Chantilly from Mr. and Mrs. Clay Reeves.
- Congratulations to the reelected Council Members.
- Condolences to the family of Susan High for their loss. Mrs. High was a valued member of the Dickinson community.
- Council Member Henderson expressed his gratitude at being reelected and looks forward to the next three years.
- Thank you to the City staff and volunteers for working long hours and putting in the hard work necessary to make this year's Red, White and Bayou Crawfish and Texas Music Festival a success. They overcame issues with solutions and teamwork, even in challenging weather.

- Council Member Deats expressed his gratitude at being reelected and looks forward to the next three years.
- Thank you to Kellis George for his 31, almost 32, years of service to the City, and best wishes for his retirement.
- Thank you to the young attendees of the Council Meeting for participating so well in the Pledge of Allegiance to both flags.
- Council Member Decker rode with Director of Public Works Paul Booth for an hour this week on the east side of the city and is pleased with how competent Mr. Booth is.
- Congratulations to Dickinson Police Department's Vernita Rawls, who was awarded a "Telecommunicator of the Year" award on May 11, 2016.
- Condolences to the family of Bert Trotta for their loss. Council Member King attended a service in his honor.
- There is a campus improvement meeting on Tuesday, May 31, 2016.
- May 23-27 is National Flood Awareness Week.
- Ernie Deats will speak at the Dickinson Historical Society meeting at the Historic Railroad Center on May 26, and the public is invited.
- On June 4, 2016 from 9:00 am-3:00 pm, Keep Dickinson Beautiful is hosting its Fifth Annual Backyard Garden Tour. Tickets are available for \$10.
- Faith Lutheran Church is hosting a free concert on June 5 at 3:30pm.
- A 92 year old resident recently fell victim to a \$5,000 to \$6,000 scam involving driveway repair.
- Houston-Galveston Area Council is hosting a Newly-Elected Officials Workshop on June 2nd from 9:00 am-3:00 pm.
- Council Member King will attend the TML fall meeting this August.
- Keep Dickinson Beautiful is hosting a free Tree Workshop on June 11, 2016 from 9:00 am-11:00 am, and participants will receive a free tree. Past Tree Workshops have been very successful.

ITEM 4.) PUBLIC COMMENTS: At this time, any person with city-related business may speak to the Council. In compliance with the Texas Open Meetings Act, The City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

None.

ITEM 5.) CONSENT AGENDA: CONSIDERATION AND POSSIBLE ACTION:
The following items are considered routine by the City Council and will be enacted by one motion. There will not be a separate discussion on these items unless a Council member requests, in which event, the item will be removed from the consent agenda and discussed after the consent agenda.

- A. Approval of the Minutes of the Workshop Council Meeting of May 10, 2016.
- B. Approval of the Minutes of the Regular Council Meeting of May 10, 2016.
- C. Resolution Number XXX-2016 – **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN CITY OF DICKINSON AND GALVESTON COUNTY FOR EMERGENCY MEDICAL RESPONSE SERVICES IN UNINCORPORATED PORTIONS OF GALVESTON COUNTY ADJACENT TO THE CITY OF DICKINSON; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

Council Member Wilson made a motion to approve the Consent Agenda. Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

OLD BUSINESS

- ITEM 6.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Activities of Houston-Galveston Area Council.

Council Member King provided an update of the activities of the Houston-Galveston Area Council meeting of May 17, 2016.

- ITEM 7.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Update on Activities of Dickinson Bayou Watershed Steering Committee Meeting.

Council Member Decker provided an update on the activities of Dickinson Bayou Watershed Steering Committee meeting of May 16, 2016.

- ITEM 8.) CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number XXX-2016 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, ADOPTING CHAPTER 5, COMMUNITY FACILITIES AND SERVICES, OF THE COMPREHENSIVE PLAN; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (Second of Three Readings)**

Mayor Masters read the ordinance by caption only. Council Member Henderson made a motion to approve the ordinance in two readings, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

- ITEM 9.) RECONSIDERATION AND POSSIBLE ACTION CONCERNING:**
Ordinance Number XXX-2016 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, ORDINANCE NUMBER 420-2001, AS HERETOFORE AMENDED, TO GRANT SPECIFIC USE PERMIT NUMBER SUP-16-0301 ALLOWING THE APPLICANT TO USE THE PROPERTY FOR A TOBACCO ORIENTED USES; SUCH PROPERTY BEING LEGALLY DESCRIBED AS ± 5.568 ACRES IN ABSTRACT 19 PERRY & AUSTIN PT, LOT 131 & 137, NORTHEAST OF IH 45 ADDITION D, DICKINSON, CALLED TRACT 1, BEING OFF HIGHWAY 45 ADDITION D, DICKINSON GULF FREEWAY, AT HIGHWAY 517, DICKINSON PLAZA SHOPPING CENTER, MORE COMMONLY KNOWN AS 3407 GULF FREEWAY, GENERALLY LOCATED NORTH OF FM 517 AND EAST OF INTERSTATE 45 IN THE CITY OF DICKINSON, GALVESTON COUNTY, TEXAS, PRESENTLY ZONED GENERAL COMMERCIAL ("GC"); PROVIDING FOR THE INCORPORATION OF PREAMBLE; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

Mayor Masters read the ordinance by caption only. Council Member Deats made a motion to approve the ordinance, and Council Member Decker seconded the motion. Mayor Masters explained why the ordinance was being reconsidered, and noted that it was the first time in 11 years that she has exercised her veto power. Mayor Masters has long worked to promote clean air, clean water, and community health improvements. She expressed concerned that e-cigarettes are not regulated by the Food and Drug Administration, and that they are marketed in a variety of flavors that appeal to children, who could then be tempted to use or abuse the product. The Specific Use Permit applicants addressed Mayor Masters' concerns. There being no further discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

NEW BUSINESS

ITEM 10.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Election of a Mayor Pro-Tem.

Council Member Henderson made a motion to elect Council Member Deats to another year as Mayor Pro Tem, and Council Member Decker seconded the motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 11.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: A Final Plat And A Request to Utilize Open Ditch Road Section Streets Pursuant To Section 8(B)(13) of the City of Dickinson Subdivision Regulations For Bayou Bend Estates, A Subdivision Of 58.86 Acres Out Of The P.G. Merrit Survey, City Of Dickinson, Galveston County, Texas On Property Zoned "CR" (Conventional Residential) Consisting Of 51 Lots, 4 Blocks And 10 Reserves.

Director of Community Development Zach Meadows presented the Final Plat and request to utilize open ditch road section streets pursuant to Section 8(B)(13) of the City's Subdivision Regulations for Bayou Bend Estates and provided an overview of the project. Mr. Meadows and the project engineer, Sel Thint, addressed the questions of Council.

Council Member Decker made a motion to approve the final plat and the request to utilize open ditches, and Council Member Henderson seconded the motion. There being no further discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 12.) PUBLIC HEARING CONCERNING: To Give All Interested Persons The Right And Opportunity To Appear And Be Heard Upon Such Proposal By The City Of Dickinson To Annex Properties Located In The Vicinity Of Farm To Market Road 1266, West Of Richards Drive and North of Deats Road.

Mayor Masters opened the Public Hearing at 7:49 p.m.

A. Presentation of Proposed Annexation.

Director of Community Development Zach Meadows presented the proposed annexation area to Council.

B. Those In Favor.

Michael Frank, 2911 Maryland Avenue, Dickinson, Texas: Mr. Frank is in favor of the proposed annexation but is concerned about an increase in traffic volume if the City were ever to extend Maryland Avenue to Deats Road or to FM 1266. He also would like the drainage ditch near his property to be evaluated.

C. Those Against.

Bill Wasko, 4 Steven Luke Lane, Friendswood, Texas: Mr. Wasko owns the Crossroad Business Park, which lies within the proposed annexation area, and represents 32 business owners being annexed and 43 business owners nearby. Mr. Wasko is not necessarily against annexation but would like to ensure that property zoning in the area fits into existing uses, as his properties are used for a wide range of commercial and industrial purposes.

Henry Robinson, 4102 E 27th Street, Dickinson, Texas: Mr. Robinson expressed concerns about a possible increase to his tax rate after annexation, with little benefit in return except perhaps increased police presence. He would like for proper zoning to be extended throughout the proposed annexation area.

D. Adjourn Public Hearing.

Mayor Masters adjourned the Public Hearing at 8:01 p.m.

ITEM 13.) PUBLIC HEARING CONCERNING: Renewal Of Current Juvenile Curfew Regulations Adopted By Ordinance Number 758-2013 And Codified As Article VII, Juvenile Curfew, of Chapter 12, Offenses – Miscellaneous, of the Code of Ordinances of the City of Dickinson, Texas.

Mayor Masters opened the Public Hearing at 8:01 p.m.

A. Presentation of Juvenile Curfew Regulations.

None.

B. Those in Favor.

None.

C. Those Against.

None.

D. Adjournment.

Mayor Masters adjourned the Public Hearing at 8:01 p.m.

ITEM 14.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number XXX-2016 - **AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, REPEALING ORDINANCE NUMBER 758-2013, CODIFIED AS ARTICLE VII, JUVENILE CURFEW, OF CHAPTER 12, OFFENSES – MISCELLANEOUS, OF THE CODE OF ORDINANCES OF THE CITY OF DICKINSON; AMENDING CHAPTER 12, OFFENSES – MISCELLANEOUS, OF THE CODE OF ORDINANCES BY DELETING THE CURRENT ARTICLE VII, JUVENILE CURFEW, AND SUBSTITUTING THEREFOR A NEW ARTICLE VII, JUVENILE CURFEW, ESTABLISHING A CURFEW BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 5:00 A.M. ON ANY DAY OF THE WEEK, FOR PERSONS UNDER 17 YEARS OF AGE; ESTABLISHING A DAYTIME CURFEW BETWEEN 7:00 A.M. AND 2:30 P.M. ON ANY SCHOOL DAY FOR PERSONS UNDER 17 YEARS OF AGE; CONTAINING DEFINITIONS; PROVIDING IT IS UNLAWFUL FOR ANY PERSON SUBJECT TO A CURFEW TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT IS UNLAWFUL FOR ANY PARENT OR GUARDIAN OF A PERSON SUBJECT TO A CURFEW TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL ALLOW, SUCH PERSON TO REMAIN IN ANY PUBLIC PLACE OR ON THE PREMISES OF ANY ESTABLISHMENT WITHIN THE CITY DURING CURFEW HOURS; PROVIDING IT IS UNLAWFUL FOR ANY PERSON OWNING, OPERATING, OR IN THE EMPLOYMENT OF ANY ESTABLISHMENT IN THE CITY TO KNOWINGLY ALLOW A PERSON SUBJECT TO A CURFEW TO REMAIN ON THE PREMISES OF SUCH ESTABLISHMENT DURING CURFEW HOURS; PROVIDING DEFENSES TO PROSECUTION FOR VIOLATIONS; PROVIDING FOR A PENALTY FOR MINORS AND FOR PARENTS OF MINORS NOT TO EXCEED \$500 AND THAT EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES SHALL BE DEEMED A SEPARATE OFFENSE; MAKING CERTAIN FINDINGS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (First of Three Readings)**

Mayor Masters read the ordinance by caption only. Council Member Henderson made a motion to approve the ordinance on first reading, and Council Member King seconded the motion. There being no discussion, Mayor Masters called for the vote.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

0 NAYS

MOTION PASSED

ITEM 15.) BRIEFING AND DISCUSSION CONCERNING: Quarterly Financial and Investment Report for Quarter Ending March 31, 2016.

Administrative Services Manager Stephanie Russell presented Council with the Quarterly Financial and Investment Report for the Quarter Ending March 31, 2016, and addressed the questions of Council.

ITEM 16.) BRIEFING, DISCUSSION AND DIRECTION CONCERNING: Assumptions Regarding Preparation Of FY2016-2017 Budget.

Administrative Services Manager Stephanie Russell outlined the assumptions adopted in the Multi-Year Financial Plan in preparation for the FY 2016-2017 Budget and addressed the questions of Council. It was the consensus of the Council to use the assumptions from the Multi-Year Financial Plan in the preparation of the FY 2016-2017 Budget.

Mayor Masters recessed the regular meeting at 8:10 p.m.

ITEM 17.) EXECUTIVE SESSION: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Government Code, Vernon's Texas Codes annotated, in accordance with the authority contained in:

- A. Section 551.071 – Consultation with Attorney regarding pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.
- B. Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange, Lease or Value of Real Property.

ITEM 18.) RECONVENE

Mayor Masters reconvened the regular meeting at 8:36 p.m.

ITEM 19.) CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

None.

ITEM 20.) ADJOURN

Council Member King made a motion to adjourn the meeting at 8:36 p.m., and Council Member Decker seconded the motion.

VOTE:

5 AYES (Henderson, Wilson, Deats, Decker and King)

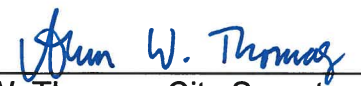
0 NAYS

MOTION PASSED

PASSED, APPROVED AND ADOPTED this the 14th day of June, 2016.


Julie Masters, Mayor

ATTEST:


Alun W. Thomas, City Secretary

